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Held at Headquarters, New York,
on Friday, 26 January 1996, at 3 p.m.

Chairperson: Ms. CORTI

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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In the absence of Ms. Corti, Ms. Aouij, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Belgium (continued) (CEDAW/C/BEL/2)

1. At the invitation of the Chairperson, Mrs. Paternottre, Mrs. Franken, and Mrs. De Wiest (Belgium) took places at the Committee table.

2. Mrs. PATERNOTTRE (Belgium), continuing her delegation's replies to the questions put by the experts, said that rural women enjoyed the same rights, services and social benefits as other Belgian citizens. The problem of farmers' wives and other women who assisted their husbands in their occupations was rooted in the structure of the social security system and of what were referred to as derived rights. A worker's normal social security contribution also provided coverage for his spouse and children. The spouse therefore had no incentive to make independent contributions, a situation that created certain difficulties, not the least of which was impoverishment, if the couple separated. The social security system, moreover, was based on the traditional model where the husband went out to work while the wife stayed at home to keep house and raise the children. As more and more women joined the labour force, however, that model was becoming increasingly inapt.

3. Turning to the questions put under article 16, she said that the law of 19 January 1990 had reduced the age of majority from 21 years to 18 years and provided that both men and women could legally marry at that age.

4. The tax regime in Belgium was also based on the traditional model of the family. The 1988 amendment to the relevant legislation provided for the introduction of a spousal allowance and termination of the previous system under which the spouses' combined incomes was subject to tax. Some critics claimed, however, that the spousal allowance discriminated against unmarried women.

5. When a divorcing couple were unable to agree who should have custody of the children the matter was resolved by the courts. Non-custodial parents could appeal the court's decision to a higher court. In arriving at a decision the judge used objective criteria such as whether the lifestyle of the spouse seeking custody was compatible with the education of the child and what was in the best interests of the child. The law also provided for visitation rights for both parents and grandparents. In addition, the French community had, on a pilot basis, provided for neutral meeting places where children could have access to both parents who might be in conflict with each other.

6. The transmission of the family name to children was governed by article 335 of the Civil Code. A child with only its maternal affiliation established bore the name of its mother A child whose paternal affiliation only was established, or for whom both the paternal and maternal affiliation were

established, bore the name of its father, unless the father was married to another woman at the time the child was conceived.

7. The CHAIRPERSON welcomed the comprehensive replies given by the Belgian delegation and the political will that was evident in the programmes and policies adopted to promote equality of opportunity for women, including in the field of employment, and increased participation by women at decision-making levels. In that connection, she was gratified by Belgium's withdrawal of its reservations to the Convention. She stressed the important contribution which the media could make towards changing common perceptions of gender roles.

8. Ms. OUEDRAOGO said that she was extremely gratified by the report which dealt comprehensively with the legal and practical measures that had been taken to promote the equality of women with men in Belgian society. She welcomed Belgium's decision to withdraw its reservations to the Convention and commended the country for its exemplary post-colonial policies with regard both to its relations with Africa and its treatment of African nationals in Belgium.

9. The report could, however, have been more specific with regard to the information provided under certain articles of the Convention. Greater transparency was always welcome, since discrimination against women persisted in some forms even in highly developed countries. That situation could be remedied only by increased participation of women at all levels of the social, political and economic life of the State.

10. Ms. BARE said that she was pleased to learn of the broad-based representation of women and youth at the various levels of Belgium's democratic and pluralistic society. It was also gratifying to note that not only was there adequate financing for the national machinery for the protection of women's rights, but that the Flemish community was able to influence the budgets of other ministries whose work had an impact on women's programmes. However, while commending the efforts being made to ensure that the migrant population enjoyed the same rights as Belgian citizens, she wondered what programmes had been put in place to expedite the acculturation process in terms of education, social integration and employment.

11. Ms. HARTONO said that the Ministry of Equal Opportunity represented an innovative mechanism for achieving equality of opportunity for women in Belgium. She wondered, however, whether the Ministry was a full or junior Ministry and whether it had the power to implement policies.

12. She would welcome information on how the situation of women in the Flemish-speaking part of Belgium compared with the situation in the Netherlands and whether there were any women's publications in the Dutch language.

13. Ms. SCHÖPP-SCHILLING thanked the Belgian delegation for the abundance of information contained in its insightful and candid report. Given the late submission of the information, however, it might have formed the basis of that country's third periodic report, thereby expediting the work of both Belgium and the Committee. The legal situation of women in Belgium was, indeed, very clear; more attention could, perhaps, have been given to the de facto situation with regard to the implementation of legislative provisions.

14. With regard to the pilot projects in the fields of affirmative action and education, it was probably time for certain results to be legally mandated. In addition, given the differences that existed between the various regions of the country, the central Government could play a useful monitoring role in order to prevent discrepancies in the treatment of women.

15. Turning to more specific aspects of the report, she said that there might be a certain degree of hidden discrimination in the area of social security and taxation between women who had chosen to be homemakers and those who had chosen to work outside the home, which was no longer appropriate. The real issue regarding women in non-traditional fields of employment was wage discrepancy, and she was pleased to see that the Government was addressing job reclassification.

16. With regard to termination of pregnancy, she wondered whether the documentation process protected a woman's privacy, and whether the counselling provided was tailored to each woman's needs, or followed a particular ideology.

Article 4

17. Ms. MAKINEN suggested that the Government of Belgium should apply special temporary measures to provide equal employment opportunities for women in the private sector as well as the public sector. She noted that very few women were involved in politics, and suggested that establishing a quota could be an effective means of increasing the number of women holding political posts.

18. Ms. BUSTELO GARCIA DEL REAL inquired whether court judgements in affirmative action cases had had any impact on public opinion. More information on the division of family responsibilities and the evaluation of the results of awareness campaigns would be useful in the next report, since statistics on men and women's use of time were very helpful in demonstrating the value of women's unpaid work. She would also be interested to learn the results of the new legislation on the traffic in persons and whether new information was available on the fight against the feminization of poverty.

19. Ms. ABAKA said that Belgium's affirmative action programmes would be useful as a model for other States parties. She hoped that, in the next report, the Committee could learn more about how women in the German-speaking minority were faring.

Article 5

20. Ms. CORTI commended the Belgian Government on the progress being made in combating violence against women and in improving the image of women in the mass media. She would be interested to learn how the African and North African communities had responded to the new laws in those areas. Efforts to provide feminine forms for occupational titles were commendable and could be emulated by other countries.

21. Ms. BARE inquired whether there was any difference in the way sexual harassment was dealt with in the private and public sectors, and whether legislation had helped to reduce the number of complaints.

22. Ms. CARTWRIGHT noted that lack of understanding of the dynamics of domestic violence often made such cases difficult to prosecute successfully, and wondered whether there were any training programmes on the subject for judges and court officials.

Article 6

23. Ms. JAVATE DE DIOS commended the Government of Belgium for withdrawing its reservation to the Convention, and said that she would welcome more details on the coordination of programmes for the advancement of women among the various linguistic and cultural communities. In the next report, it would be interesting to have information on the impact on men of education and awareness programmes on violence against women.

Article 10

24. Ms. OUEDRAOGO said that she would be interested to learn whether efforts were being made to re-evaluate attitudes to professions that traditionally attracted women, such as social work and nursing, and whether any campaigns were contemplated to introduce men into such areas.

Article 11

25. Ms. BARE inquired about the success of retraining programmes for the unemployed, and whether women again tended to be concentrated in low-wage areas. She asked whether there were any programmes for women who wished to be self-employed.

26. Ms. SATO asked what accounted for the fact that unemployment was significantly higher among women than men and what measures, if any, were planned to increase employment opportunities for women.

27. Ms. AYKOR observed that women accounted for a very high proportion - almost 90 per cent - of part-time workers in the reporting State. She asked whether they found it necessary to combine more than one job in order to earn sufficient income and how part-time jobs were defined. With regard to the high level of unemployment among women, she inquired whether the Government was encouraging women to start their own businesses.

28. Ms. OUEDRAOGO asked whether any studies had been undertaken to confirm the assertion that women experienced no discrimination when applying for credit. Entrepreneurial activity by women must be encouraged since successful businesswomen were valuable role models. Credit was an important avenue to achieving that success.

29. With regard to the situation of women in rural areas (article 14), the report should have contained more detailed information and statistics on questions such as the comparative incomes of men and women farmers and the right to ownership. Given the greater vulnerability of women in rural areas, where gender stereotypes were more persistent, their problems merited closer attention.

30. She asked about the attitude to single-parent families, and inquired whether the Belgian delegation could provide statistics on the divorce rate and the average age at which women married. On the subject of the sharing of domestic tasks, she asked whether there had been any positive developments in recent years.

31. The CHAIRPERSON asked to what extent perceptions of women among Belgium's immigrant groups reflected those prevalent in their country of origin. Were such traditional practices as female circumcision and polygamy still tolerated?

32. Mrs. PATERNOTTRE (Belgium) said that when drafting the report, her delegation had endeavoured to rectify the inadequacies identified by the Committee in the first periodic report and had produced as full a document as possible. In particular, they had borne in mind the criticism that the first report had not contained sufficient firm evidence of the success of equal opportunities measures. Since the report's submission in 1991, however, there had been many developments in Belgian society, and, as a result, her delegation's responses to the Committee's written questions were somewhat lengthy. They had felt it to be inappropriate to prepare a third periodic report, though that report was now due, while the second periodic report was still awaiting consideration.

33. Ms. CORTI said it was regrettable that because of time constraints there were often long delays between the submission and consideration of reports. Those States parties to the Convention who were members of the Commission on the Status of Women should urge that body to grant the Committee additional meeting time.

34. Ms. PATERNOTTRE (Belgium), responding to the question on educational programmes for immigrant women with language difficulties, said that Belgium had participated in the European Union's new opportunities for women programme aimed at providing retraining for disadvantaged women, in particular those without basic education. Many immigrant women had benefited from that programme. The federal Government was currently developing a series of information sheets designed to assist companies wishing to set up training programmes for women from those groups. In addition, the three communities had introduced their own language programmes for immigrant women.

35. Turning to the questions on Belgium's equal opportunities policy and the mechanisms for its implementation, she stated that the ministries of equal opportunities at both the federal and community level were full ministries. Admittedly, Belgium's equal opportunities mechanisms were complex, but that was inevitable given the complexity of the federal structure. Moreover, as funding for equal opportunities initiatives had increased, projects had multiplied. With regard to the suggestion that a federal body might be created to police equal opportunities policy at the community level, such a measure would be contrary to the principle of local autonomy upon which Belgian democracy was based. While Belgium's federal structure was relatively new and she was aware of the risk that women's rights might advance at uneven rates, she considered the richness and diversity of the three language communities to be a positive factor. Already, there were many examples of inter-community cooperation in the field of women's rights.

36. Her delegation had noted the Committee's comments on possible discrimination in the fields of social security and taxation. That issue was under constant scrutiny in Belgium and, to some extent, the European Union acted as a watchdog since her Government was bound to adapt its own legislation to comply with the Union's directives in those areas.

37. Responding to questions on disparities between men's and women's pay, she said her delegation recognized that the solution to that problem lay not in pushing women into non-traditional jobs but in reclassifying professions where women outnumbered men to ensure that the skills and qualifications required were reflected in the job specification and level of remuneration. In the health care sector, for example, paramedics, most of whom were men, received higher salaries than nurses, although the skills and qualifications required were the same. New job specifications were being developed in cooperation with employers and health workers' unions to rectify that disparity.

38. With regard to the issue of names, it was true that the practice of passing on a father's name to his children was discriminatory, but alternatives were under discussion. Women could keep their own family name after their marriage.

39. On the subject of abortion, she said that women requesting a termination were guaranteed anonymity since the rules of medical confidentiality prohibited doctors from disclosing a patient's name. When applying to be reimbursed for the cost of a termination, patients used a code which denoted various procedures besides abortion. Doctors were entitled to refuse to carry out an abortion on moral grounds but must do so during the first consultation to give the patient sufficient time to find another practitioner. All areas of the country now had at least one centre where abortion was practised.

40. With regard to legislative quotas, she said that one third was considered to be the threshold of effectiveness, and once that target had been reached, there would be more women in Parliament to pass legislation.

41. An interesting question had been raised on affirmative action, and in that connection, a ruling passed by the European Court of Justice in Luxembourg was worthy of note: affirmative action taken in Germany had been ruled as discriminating against men. That had sparked off a debate in the European Union on the restrictive interpretation of the ruling. It was not really applicable in Belgium, since her country did not have the same type of legislation.

42. It was too early to assess the effects of the campaign to encourage sharing of domestic tasks; she was sure that several campaigns would be needed to really effect change. However, the matter was being discussed and both men and women had responded to the campaign. She said she had no statistics on use of time, which could demonstrate the value of women's unpaid work.

43. Ms. SCHÖPP-SCHILLING said that she wished to clarify the ruling made by the European Court of Justice. A number of German states had passed legislation providing that when there were two equally qualified applicants for a job in the public sector, one being a man and the other a woman, preference should be given to the woman, in order to increase the number of women in higher positions. It had been that practice which had been declared illegal.

44. Mrs. DE WIEST (Belgium) said that the matter of working conditions and the division of labour was far from resolved. Research into working conditions had shown that stress caused 10 per cent of absences from work. Women had been shown to be 2.3 times more vulnerable than men to stress.

45. With reference to traffic in persons, she said that the existence of the problem had been recognized. The problem of prostitution was also being discussed by the media, as was that of paedophilia. There were no reliable figures, but there was heightened awareness of those problems.

46. Mrs. PATERNOTTRE (Belgium) said that the German-speaking minority had not been overlooked. That community had been represented on the Belgian delegation to Beijing, and it was also represented on the Equal Opportunities Council. Council proceedings were translated into German.

47. Speaking with regard to article 5, and with particular reference to the problem of violence in the North African community, she said that that community was targeted by a special information campaign. The same rules applied to everyone in Belgium, whatever their ethnic origin, and polygamy was illegal.

48. On the issue of sexual harassment, and the existence of two sets of decrees to cover public and private enterprise, she said that the Royal Ordinance on the private sector had provided that the working rules should be revised and submitted to the Federal Ministry of Employment and Labour. The Public Enterprise Council was responsible for decisions concerning the public sector. Despite the two sets of decrees, the principles and rules were the same.

49. With regard to justice and the problem of understanding the dynamics of family violence, she wished to refer the Committee to the next report, since it was a very time-consuming subject. Information and training was being carried out in that area, but the situation was developing. The impact of violence on the offender would also be covered in the next report.

50. Mrs. DE WIEST (Belgium), speaking on the issue of ethnic minorities, said that the French community was particularly concerned to promote measures to increase emancipation and integration of women of foreign origin, in a spirit which respected intercommunal dialogue. Belgium had traditionally received a large number of immigrants from the Maghreb, and it could not be denied that that community faced large numbers of problems. Given the high rates of illiteracy amongst women of foreign origin, courses had been specially arranged to meet their needs. A large number of friendship committees had also been set up, particularly targeting women of Algerian origin. A large number of innovative activities had been undertaken amongst young women of North African origin, in the hope that a network could be established which could resolve problems through discussion. It had not been possible to evaluate the effects of such activities as yet.

51. Mrs. PATERNOTTRE (Belgium), replying to a question on article 10, said that attitudes to various professions needed to be re-evaluated. The recent campaign to attract young people to the nursing profession had been targeted at both girls and boys.

52. Speaking on article 11, she said that people returning to work often faced difficulties. They needed increased chances of employment, and special measures should provide for the interruption of careers. There were only general, rather than specific measures to encourage women to become financially independent. With reference to the differences in unemployment between men and women, she said that women's unemployment was more structural than men's. In the sectors which were the main employers of women, there was not usually any particular career structure. Younger women were therefore in competition for employment with older women with essentially the same qualifications. That was not so much the case with men.

53. With regard to agriculture, she noted that the Committee had requested a great deal of information. Women had the same rights as men to own and inherit land, and many women in the agricultural sector were active in organizations which sought to defend their rights.

54. On questions relating to article 16, she said that 20 years earlier there had been a stigma attached to being a single parent. Currently, however, it was regarded as quite normal in all classes. Divorce was increasing; the exact figures were given in the report. Due to the demands of education and the difficultly of finding employment, both men and women were marrying later.

55. With respect to the foreign community, she said that national laws applied to all equally.

56. With regard to part-time workers, she agreed that large numbers of women came into that category. It was perfectly legal to have several part-time jobs at the same time, and all workers were equally protected by social security.

The meeting rose at 5.50 p.m.